

SEC. 33. **J. S. Stephenson.** To John S. Stephenson, the sum of eighteen dollars, as expenses, etc., in attending the remains of J. M. Robertson, deceased, member of the house of representatives, to his residence in Scott county.

SEC. 34. **J. F. Kinney.** To J. F. Kinney, two hundred and fifty dollars, for preparing the journals of the council of the present session, for the press, superintending the publication thereof, and indexing and distributing the same.

SEC. 35. **Hunor and Davis.** That Jacob Hunor, of Lee county, and E. W. Davis, of Des Moines county, be allowed the sum of three dollars per day each, for nineteen days' services as members of committee to examine the affairs of the penitentiary.

SEC. 36. **William Greene.** To William Greene, for binding eight volumes of Nile's Nat. Register for territorial library, \$1.25, per volume, \$10.00.

Approved, January 19th, 1846.

CHAPTER 37.

CONVENTION.

AN ACT to provide for the election of delegates to a convention to form a constitution and state government.

Be it enacted by the Council and House of Representatives of the Territory of Iowa.

SECTION 1. **Election of delegates first Monday April.** That there shall be a poll opened at the township election in April next, for the election of delegates to a convention, to form a constitution for the future state of Iowa; and the notice for said election for delegates, shall be given at least twenty days before the holding thereof, and the manner of giving said notice, and all other proceedings connected with said election, shall be in accordance with the provisions of the law providing for the election of members of the council and house of representatives in this territory, so far as the same may be applicable.

[38] SEC. 2. **Apportionment of members.** That the convention shall consist of thirty-two members; to be elected within the several organized counties in this territory as follows, to-wit:

Des Moines	3
Lee	3
Van Buren	3
Jefferson	2
Henry	2
Davis	1
Appanoose and Kishkekosh	1
Wapello	1
Iowa, Marion, Polk and Jasper	1
Mahaska	1
Keokuk	1
Washington	1
Louisa	1
Muscatine	1
Johnson	1
Linn and Benton	1

Cedar	1
Scott	1
Clinton	1
Jackson	1
Jones	1
Clayton	1
Dubuque, Delaware, Buchanan, Fayette and Blackhawk	2

The said delegates shall be citizens of the United States and shall have resided six months within this territory, before the election aforesaid.

SEC. 3. Duty of judges of election. That the judges of election, in the several townships and precincts shall certify the votes for delegates, in the same manner, as is provided by law for the election of members of council and house of representatives, and shall send returns of said election, so certified to the clerk of the board of county commissioners, who shall open said returns, and certify the election of delegates, in the same manner as is provided by law, for the election of members of the legislative assembly; and in case of a tie vote between any of the candidates for delegates, it shall be the duty of the clerk of the board of county commissioners, to order a new election for the purpose of effecting an election in said tied vote, which election shall be held within twenty days after said first election.

[39] **SEC. 4. Meeting of convention first Monday in May.** That the said delegates elect, shall meet at Iowa City, on the first Monday of May, A. D. 1846, and proceed to form a constitution, and state government for the future state of Iowa.

SEC. 5. Publication and vote on constitution. That when a constitution, and form of state government shall have been adopted by said convention, they shall cause the same to be published, and at the next general election succeeding the formation of a constitution and state government by said convention, the qualified electors who may have resided thirty days in this territory next preceding said election, and who are entitled in all other respects to vote for members of the legislative assembly of said territory, shall be, and they are hereby authorized, to vote for or against a convention. The vote for and against a constitution shall be counted, and returned to the clerk of the board of county commissioners, who shall, in the same manner, transmit the returns of said votes for and against the constitution, to the secretary of the territory; who shall open and count the same, as soon as they are all received from the several counties in this territory, in the presence of the governor; who shall issue his proclamation declaring the result.

SEC. 6. Qualification of voters. That all electors, qualified as aforesaid, may vote for or against said constitution in any county in said territory, whether a resident of such county or not. But in the election of delegates to the convention the said electors shall not vote out of the counties wherein they have their residence.

SEC. 7. Election how held. That the several elections, provided for in this act, shall in all respects, be conducted in accordance with the provisions of an act regulating general elections in this territory, so far as the same is applicable, and except as is herein specially provided for.

SEC. 8. Presentation of constitution to congress. That said constitution and form of state government, shall, if ratified at the election specified in the fifth section of this act, be presented to the congress of the United States, at the next ensuing session thereof, for admittance into the Union upon an equal footing with the original states; and with such other provisions and conditions as may be provided for by the convention, framing said constitution, and form of state government; but shall not be presented for admittance until the same shall be accepted and ratified, by the qualified electors of this territory.

SEC. 9. Duty of secretary of territory. That it shall be the duty of the secretary of the territory, to provide a suitable room for the meeting of the convention; also to provide the same with furniture, stationery, and all other things necessary for the comfort and convenience of the convention.

SEC. 10. Pay of delegates. That the members of said convention shall be entitled to [40] three dollars for every twenty miles travel to and from the place of holding said convention, and three dollars per diem for their services, to be paid in the way and manner as may hereafter be provided for by the legislative assembly of the territory or state of Iowa.

SEC. 11. In force from passage. This act shall take effect, and be in force from and after its passage.

Approved, January 17th, 1846.

CHAPTER 38.

ROADS.

AN ACT to amend an act entitled "An act to prevent and punish the obstruction of roads and highways."

Be it enacted by the Council and House of Representatives of the Territory of Iowa.

SECTION 1. Penalty for obstructing roads. That if any person or persons, shall obstruct any public road, or highway in this territory, by falling any tree, or trees across the same, or by encroaching upon, or fencing, or ploughing up the same, or by placing any other obstruction thereon, or who shall destroy or injure any bridge or causeway, or remove any plank or timber therefrom, without being legally authorized so to do, shall upon conviction thereof, before any court having competent jurisdiction, be fined, in any sum not exceeding one hundred dollars, nor less than ten dollars, and shall be imprisoned in the county jail until the fine and costs are paid.

SEC. 2. Repealing clause. That the first section of the act to which this is amendatory, be and the same is hereby repealed.

SEC. 3. In force from passage. This act to take effect and be in force from and after its passage.

Approved, January 1st, 1846.

[41] CHAPTER 39.

FRANCES E. ANDERSON.

AN ACT for the relief of Mrs. Frances E. Anderson.

Be it enacted by the Council and House of Representatives of the Territory of Iowa.

SECTION 1. Mrs. Anderson empowered to convey a lot. That Mrs. Frances E. Anderson, widow of the late Jeremiah G. Anderson, of Lee county, be, and she is hereby authorized and empowered to convey by deed in fee simple, to Mr. W. R. and F. P. Johnson of Brown county, Kentucky, a certain brick house and lot, with all the appurtenances thereunto belonging, in the town of Nashville, in the county of Lee, and territory of Iowa; being the one